

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,267	KIKUCHI, MASAHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	CUONG H. NGUYEN	3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/23/05 (the IDS).
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date <u>6/23/05 &amp; 2/12/04</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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CUONG H. NGUYEN  
 Primary Examiner  
 Art Unit: 3661

***DETAILED ACTION***

1. This Office Action is the answer to the IDS received on 6/23/05.

***Priority***

2. This application claims a Japanese priority date of 2/18/2003 (2003-039465).

***Status of the claims***

3. Claims 1-7 are pending.

***Drawings***

4. Formal drawings were acceptable by the examiner on 2/12/04 (4 sheets).

***Allowable Subject Matter & Reasons for Allowance***

5. Independent claim 1 is patentable over the closest references of Powell et al. (US Pat. 6,983,668), or Tsuzuki et al. (US Pat. 6,866,611) because they do not anticipate nor fairly and reasonably teach an range selection control device of a shift-by-wire type automatic transmission of a motor vehicle, besides other limitations, comprising:
  - an actuator that causes the transmission to assume a certain operation range; and a control unit that issues the instruction signal by processing the range selection command signal based on presuming a range selection, the control unit is configured to causing through the actuator the transmission to actually carry out at least one of first and second range selection operations, the first range selection operation meeting with the driver's intention and the second range selection operation being to maintain the operation range that has been kept just before the failure of the range selector.
6. Independent claim 7 is patentable over the closest references of Powell et al. (US Pat. 6,983,668), or Tsuzuki et al. (US Pat. 6,866,611) , because they do not anticipate nor fairly and reasonably teach In a range selection control device of a shift-by-wire type

automatic transmission of a motor vehicle having a range selector that issues a range selection command signal representative of an operation range of the transmission, meeting with a driver's intention, the operating range being at least one of P(parking) range, R(reverse) range, N(neutral) range and D(drive) range, and actuator that causes the transmission to assume a certain is operation range when receiving an instruction signal, the instruction signal being produced by processing the range selection command signal, so that the transmission is able to assume an operation range that meets with the driver's intention, a method of operating the range selection control-device comprising a step of:

- based on the presumption, causing through the actuator the transmission to actually carry out at least one of first and second range selection operations, the first range selection being meeting with the driver's intention and the second range selection operation being to maintain the operation range that has been kept just before the failure of the range selector.

7. Claims 2-6 are allowed because they are dependent on claim 1.

8. The closest cited reference for a transmission that "shift-by-wire" does not take into account any step of pre-assumption, or guessing, or assuming a first range selection, or a second range selection operation meeting with the driver's intention just before the failure of the range selector.

### ***Conclusion***

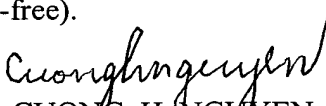
9. Claims 1-7 are patentable.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661